

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|---------------------------|---|------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. S5-4:06CR00337 CEJ (MLM) |
| |) | |
| |) | |
| GARY KAPLAN, and |) | |
| NEIL KAPLAN |) | |
| |) | |
| Defendants. |) | |

**UNITED STATES' MOTION TO DISMISS PETITIONS
FILED BY THIRD PARTIES PURSUANT TO CRIMINAL RULE 32.2(c)(1)(A)**

COMES NOW the United States of America, by and through its attorneys, Michael W. Reap, Acting United States Attorney for the Eastern District of Missouri, and Charles S. Birmingham, Special Assistant United States Attorney for said District, and respectfully moves, pursuant to Rule 32.2(c)(1)(A), to dismiss third-party petitions filed by Pat Cicalese, James R. Thompson, Jack Rohrer, Michael J. Eisenberg, Joshua Greene, Peter Nguyen, and William Waters. The reasons supporting this motion are set forth in the accompanying:

**MEMORANDUM IN SUPPORT OF THE UNITED STATES MOTION TO DISMISS
THIRD PARTY CLAIMS PURSUANT TO RULE 32.2(c)(1)(A).**

WHEREFORE, Petitioner United States of America respectfully requests that the instant motion be Granted and that the third-party petitions be dismissed.

Respectfully submitted,

MICHAEL W. REAP
Acting United States Attorney

/s/ Charles S. Birmingham
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CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2009, the foregoing and the attached Memorandum in Support were mailed via United States Postal Service to the following non-participants in Electronic Case Filing:

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